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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,572	09/04/2003	Mark Dane	096005-0112	6428
48329	7590	06/28/2011		
FOLEY & LARDNER LLP 111 HUNTINGTON AVENUE 26TH FLOOR BOSTON, MA 02199-7610			EXAMINER McCORMICK, GABRIELLE A	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 06/28/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/655,572

Applicant(s)

DANE ET AL.

Examiner

GABRIELLE MCCORMICK

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 8 and 10-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-8 and 10-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-942)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the response filed on June 8, 2011.
2. Claims 1-5, 7-8 and 10-22 are currently pending and have been examined.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Based upon consideration of all of the relevant factors with respect to the claim as a whole, claim 1 is held to claim an abstract idea, and are therefore rejected as ineligible subject matter under 35 U.S.C. 101. The following is the rationale for this finding:
5. Firstly, the recitation of a machine is insufficient. Claim 1 is recited as being performed by a user at a computer entering information into an interface, thus the computer/interface is merely the apparatus upon which the method (i.e., the user creating the job description) operates. Secondly, the step of storing by the computer system is insignificantly related to the method steps. Thirdly, although the claim includes a recitation of second client information logic component for accessing the database, it is not claimed that **the logic performs the act of selecting** the information, rather, it appears that a user is performing the step of selecting information.
6. Applicant argues that the claim recites that all acts of the method are performed within or by the computer-based management system. The Examiner disagrees that claim 1 positively claims performing the acts by a computer-based system. The Examiner maintains that the claim can be read to be performed by a user accessing information via a computer interface (such as by viewing information in a database and filling in an on-line form). The Examiner agrees that it is claimed that components for accessing an online database are included in the job description,

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however, the step of accessing the information is not claimed, only the ability to access information is claimed.

7. Dependent claims 2-5, 7-8 and 10-11 when analyzed as a whole are held to be ineligible subject matter and are rejected under 35 U.S.C. 101 because the additional recited limitations fail to establish that the claims are not directed to an abstract idea. The additional limitations merely involve insignificant extra-solution activity (storing and displaying steps) or are additional determinations performed by a user, not a computer.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-5, 7-8, 10-11 and 17-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Roy et al. (US Pub. No. 2002/0069080 hereinafter referred to as "Roy") in view of Danielson et al. (US Pat. No. 6,993,723, hereinafter referred to as "Danielson") in view of Almog et al. (US Pub. No. 2002/0002479, hereinafter referred to as "Almog") in view of Balabine et al. (US Pat. No. 5,937,406, hereinafter referred to as "Balabine").
10. Roy discloses a web based system for cataloging, inventorying, selecting, measuring, valuing and matching "Intellectual Capital Skills" using networked computers and where the data is stored in a relational database. The system stores "Intellectual Capital codes" that are used to create a job description. (P [0038]). The system is accessible to various users, including clients (employers) and recruiters (i.e., a requirements specialist. Note: The term "recruiter" is understood to be descriptive of the field of employment that specializes in matching candidates and positions, therefore, a recruiter is a requirements specialist). (P [0128]). This provides the teaching that

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either a client or a recruiter may determine, view, receive, develop or create any part of the invention.

11. Claims 1, 17 and 18: Roy discloses a method, system and computer-readable medium (Fig. 1; P[0119])

- *an interface;* (P[0123])
- *permitting a first user to, develop a first job description, the first job description comprising a first set of components;* (P [0042] and Fig. 3(a))
- *the first set of components comprising at least one first client information logic component for accessing an online database for first client-related information;* (P[0135]: each recruiter can enter/update client information in Data Source 6 (thus, client information resides in a database); Fig. 3a: "Client Contact" is an information field in the job description template, along with "ClientName Job". Logic to access the database exists as indicated by the use of a drop down menu arrow used to fill the "Client Contact" field.);
- *storing the first set of components in the online database;* (P [0039-0040] and [0136])
- *permitting a second user to create a second job description having a second set of components, at least one of which is selected from the first set of components stored in the online database;* (P[0038]: The "Intellectual Capital codes" can be used to create multiple job descriptions. Fig. 3(a) discloses a template in which multiple job descriptions would use the common components (fields of the template) for data entry.)
- *the second set of components comprising at least one second client information logic component for accessing the online database for second client-related information.* (P[0135]: each recruiter can enter/update client information in Data Source 6 (thus, client information resides in a database); Fig. 3a: "Client Contact" is an information field in the job description template, along with "ClientName Job". Logic to access the database exists as indicated by the use of a drop down menu arrow used to fill the "Client Contact" field. P[0135] also discloses that Data Source 6 contains information about a plurality of clients and that the

recruiter's access may be limited to clients assigned to them, thus disclosing second-client information.)

12. Roy further discloses that a client can edit the position skills by adding or deleting skills as needed for a position. (P[0134]). Though Roy does not explicitly disclose that a second job description is created based upon the first job description, it is obvious that in editing a first job description by adding or deleting skills, a second job description is created and saved. Further, it is obvious to use a previous job description when creating a new one by editing the former. Roy would be motivated to do so to build on its system of providing uniform and consistent terminology that allows for an accurate and systematic search and comparison of candidate skills. (P[0007]).
13. Roy also provides the motivation to create a second, edited job description in response to the matching results. It is obvious to create a revised job description in order to increase or decrease a pool of suitable applicants. For example, if the first job description results in a small pool of applicants, by editing the description to alter the requirements, the pool can be increased.
14. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included creating a second job description based on the first, in the system of Roy for the motivation of efficiently creating job descriptions that use consistent terminology that aids in matching and to allow control over the size of a pool of applicants through changing the skill requirements of a first description to create a second one.
15. Roy discloses that the client can provide feedback, as evidenced by the editing of the position information (P[0134]). Roy also discloses that the recruiter preferably controls the client's entries (P[0145]). Thus, Roy discloses that the client and recruiter collaborate during the job description development process. Roy does not disclose that the collaboration is interactive.
16. Danielson, however, discloses a collaboration system using groupware that allows for real-time data conferencing and group document handling. (C4; L49-67). This provides the ability to instantly share knowledge and work together. (C6; L47-50). Real-time user users are implemented via a chat window (C13; L55-56) and a message window (C14; L20-22).

17. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a real-time collaboration tool, as disclosed by Danielson, in the system of Roy for the motivation of enabling efficient and effective collaboration and communication in work session between two or more people independent of time and place. (Danielson; C4; L31-34). The combination of the collaboration tool with Roy would provide a means for real-time interaction between the recruiter and client. As Roy has disclosed, the client can provide feedback, as evidenced by the editing of the position information (P[0134]). Roy also discloses that the recruiter preferably controls the client's entries (P[0145]). It is old and well known that a purchaser of a service (the client) interacts with the supplier of the service (the recruiter) to ensure that the client's needs are being met, therefore, it is obvious for the client and the recruiter of Roy to collaborate to ensure the client is satisfied with the recruiter's services.
18. Roy does not disclose that the second job description corresponds to a second job opening.
19. Almog, however, discloses in formulating requirements for a job, the server suggests requirements for the position based on other job-opening records. (P[0111]). Thus, the second posting and description that is created is based on the first job description from another job-opening record. As Almog also explicitly discloses that suggestions can be based on previous job openings posted by the first employer, it is understood that the "other job-opening records" implicitly refer to job-openings from employers other than the first employer, therefore disclosing a second job description based on the first and corresponding to a second opening and comprising second-client information.
20. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included basing the description for a second job opening on a first job description and including second client information, as disclosed by Almog, in the system of Roy for the motivation of providing an effective and efficient means of creating job postings. Roy discloses that position information can be edited (P[0134]). It is old and well known to use an existing document as a template for a new one because it saves time. It is obvious to base a new job

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description on an old one. At the very least, one would be motivated to use a prior description as a starting point in order to reduce typographical errors.

21. Furthermore, it would have been obvious to one of ordinary skill in the art to include in the job matching system of Roy the ability to based a second job description for a second opening for a second employer on a first description from a first opening for a first employer as taught by Almog since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.
22. Roy does not disclose storing object-oriented objects in a database configured as an object hierarchy including a plurality of interrelated objects.
23. Balabine, however, discloses object-oriented databases that store objects in a hierarchy of classes. (C1; L41-52).
24. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included an object-oriented database, as disclosed by Balabine, in the system of Roy since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.
25. **Claim 2:** Roy discloses determining the first set of components (P [0035]), a requirements specialist (P[0128]: a recruiter) and logic for retrieving hiring manager information (Fig. 3a: "Client Contact").
26. **Claim 3:** Roy discloses selecting an Intellectual Capital code (P [0038]: position requirements are created) and displaying to a client (Fig. 3(a) is a screen shot that would be displayed to a client accessing through the system illustrated in Fig. 1).
27. **Claim 4:** Roy discloses storing in a relational database. (P [0039]).
28. **Claims 5 and 7:** Roy discloses displaying the selection to a client and a recruiter using a computer system. (Fig. 3(a) is a screen shot that would be displayed to a client and a recruiter accessing through the system illustrated in Fig. 1).

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- 29. Claim 8:** Roy discloses a recruiter interacting with a client. (P [0134]).
- 30. Claims 10 and 11:** Roy discloses an educational requirement and a task (skill). (P [0053]).
- 31. Claims 12-16 and 19-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Roy et al. (US Pub. No. 2002/0069080 hereinafter referred to as "Roy") in view of Danielson et al. (US Pat. No. 6,993,723, hereinafter referred to as "Danielson") in view of Balabine et al. (US Pat. No. 5,937,406, hereinafter referred to as "Balabine").
- 32. Claims 12 and 19-20:** Roy discloses a method, system and computer-readable medium (Fig. 1; P[0119] and interface (P[0123]). Roy further discloses a requirements specialist (P[0128]: a recruiter) receiving hiring needs and client-related information and determining a job description. (P [0042]: the job description is created using the menu of skills required for the submitted job position and Fig 3a shows an example that includes client-related information (i.e., "Client Contact"). The job description is stored in an online database; (P[0039-0040] and [0136]). Roy further discloses that the client provides feedback on the job description (P[0134]: the client has the ability to edit the position skills) and that the recruiter modifies the job description (P[0135]: recruiter can enter/update and perform any of the tasks described above (i.e., those described in P[0134]) (P[0135]). P[0145] discloses that the recruiter has control over client entries, thus, the recruiter has the ability to edit the position description information. As the system is implemented over the Internet (P[0119]), the editing by the client is performed in real-time.
- 33.** Roy further discloses accessing client-related information from an online database. (P[0135]: each recruiter can enter/update client information in Data Source 6 (thus, client information resides in a database); Fig. 3a: "Client Contact" is an information field in the job description template, along with "ClientName Job". Access to the database exists as indicated by the use of a drop down menu arrow used to fill the "Client Contact" field.)
- 34.** Roy discloses that the client can provide feedback, as evidenced by the editing of the position information (P[0134]). Roy also discloses that the recruiter preferably controls the client's entries (P[0145]). Thus, Roy discloses that the client and recruiter collaborate during the job description

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development process. Roy does not disclose that the collaboration is interactive and that feedback is received in real-time.

35. Danielson, however, discloses a collaboration system using groupware that allows for real-time data conferencing and group document handling. (C4; L49-67). This provides the ability to instantly share knowledge and work together. (C6; L47-50). Real-time user users are implemented via a chat window (C13; L55-56) and a message window (C14; L20-22).
36. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a real-time collaboration tool, as disclosed by Danielson, in the system of Roy for the motivation of enabling efficient and effective collaboration and communication in work session between two or more people independent of time and place. (Danielson; C4; L31-34). The combination of the collaboration tool with Roy would provide a means for real-time interaction between the recruiter and client. As Roy has disclosed, the client can provide feedback, as evidenced by the editing of the position information (P[0134]). Roy also discloses that the recruiter preferably controls the client's entries (P[0145]). It is old and well known that a purchaser of a service (the client) interacts with the supplier of the service (the recruiter) to ensure that the client's needs are being met, therefore, it is obvious for the client and the recruiter of Roy to collaborate to ensure the client is satisfied with the recruiter's services.
37. Roy does not disclose storing object-oriented objects in a database configured as an object hierarchy including a plurality of interrelated objects.
38. Balabine, however, discloses object-oriented databases that store objects in a hierarchy of classes. (C1; L41-52).
39. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included an object-oriented database, as disclosed by Balabine, in the system of Roy since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

- 40. Claims 13 and 14:** Roy discloses displaying job descriptions to a client and a recruiter. (Fig. 3(a) is a screen shot that would be displayed to a client and a recruiter accessing through the system illustrated in Fig. 1).
- 41. Claim 15:** Roy discloses storing in a database (P [0039]) and selecting codes from the database. (P [0038]).
- 42. Claim 16:** Roy discloses an educational requirement and a task (skill) (P [0053]) where the skills are selected from a database (P [0038]).
- 43. Claims 21-22:** Roy discloses a Client Contact field as part of the job description, thus a portion of the job description is based on hiring needs and information related to the client and hiring manager (i.e., the "Client Contact" information of Fig. 3a).

Response to Arguments

- 44.** Applicant's arguments filed June 8, 2011 have been fully considered but they are not persuasive with respect to claims 1, 12, 17, 18, 19 and 20.
- 45.** Applicant argues that Roy/Danielson does not teach a user interactively creating a job description with a recruitment specialist **such that two users** via "a groupware tool would create a job description from another job description that includes such components." (Remarks; pg. 6).
- 46.** Firstly, the Examiner notes that the claim language merely requires permitting a second user to create, interactively with a recruitment specialist during a job description development process, a second job description. Thus, it is understood that any interaction between two users regarding the job description meets the claim language. For example, the interaction could comprise emails, IMs, chat, phone calls, etc., that permits interaction between the two users.
- 47.** The Examiner asserts that Roy discloses that the client can provide feedback, as evidenced by the editing of the position information (P[0134]). Roy also discloses that the recruiter preferably controls the client's entries (P[0145]). Thus, Roy discloses that the client and recruiter collaborate during the job description development process. Danielson discloses a collaboration system using groupware that allows for real-time data conferencing and group document handling. (C4;

L49-67). This provides the ability to instantly share knowledge and work together (i.e., provide real-time feedback as the client and recruiter of Roy work interactively). (C6; L47-50).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GABRIELLE MCCORMICK whose telephone number is (571)270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jamisue Plucinski can be reached on (571) 272-6811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Gabrielle McCormick/

Primary Examiner, Art Unit 3629